

Nos. 23-1175(L), 23-1222

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CITY OF PORT ISABEL, et al.,
Petitioners,

v.

FEDERAL ENERGY REGULATORY COMMISSION,
Respondent,

TEXAS LNG BROWNSVILLE LLC,
Respondent-Intervenor.

On Petition for Review of Orders of the
Federal Energy Regulatory Commission

**MOTION OF EQT CORPORATION FOR INVITATION TO FILE BRIEF
AS *AMICUS CURIAE* IN SUPPORT OF PETITION FOR REHEARING**

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**A. Parties and Amici**

Except for the following, all parties, intervenors, and *amici* appearing in this Court are listed in the Brief of Petitioners: EQT Corporation.

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rules 26.1 and 28(a), counsel for *amicus curiae* states that EQT Corporation is a publicly traded corporation and one of the largest producers of natural gas in the United States. EQT Corporation does not have any parent corporation, and no publicly held corporation owns 10% or more of EQT Corporation stock.

B. Rulings Under Review

References to the rulings at issue appear in the Brief for Petitioners.

C. Related Cases

City of Port Isabel v. Federal Energy Regul. Comm'n, Nos. 23-1174, 23-1221 (D.C. Cir.).

/s/ Z.W. Julius Chen
Z.W. Julius Chen

Pursuant to D.C. Circuit Rule 35(f) and Federal Rule of Appellate Procedure 29(b)(2), EQT Corporation (“EQT”) respectfully moves for an invitation from this Court to submit a brief as *amicus curiae* in support of the petition for panel rehearing and rehearing en banc filed by Respondent-Intervenor Texas LNG Brownsville LLC (“Texas LNG”). This Court recently granted such an invitation to EQT in a case raising similar issues. *See Order, New Jersey Conservation Found. v. FERC*, No. 23-1064 (D.C. Cir. Oct. 17, 2024), Doc. 2080348.

EQT is one of the largest natural gas producers in the United States. One of EQT’s missions is to provide energy security to the United States and lower global carbon emissions by reducing the world’s reliance on coal and other carbon-intensive energy sources. To fulfill those critical goals, EQT is investing millions of dollars to transport natural gas in the Appalachian Basin to liquefied natural gas (“LNG”) terminal infrastructure on the U.S. Gulf Coast. EQT has committed approximately two million metric tonnes per year of natural gas for export.

As set out fully by Texas LNG, the panel erred in adopting a new rule requiring the Federal Energy Regulatory Commission (“FERC”) to issue a supplemental environmental impact statement whenever the agency analyzes new information—even if (as here) additional information does not indicate any new significant environmental impact. But even setting aside that manifest error, EQT seeks an invitation to submit an *amicus* brief that explains the serious threats

independently posed by the panel’s remedial decision to vacate FERC’s approval of the Texas LNG project, and its rejection of the more modest remedy of remanding without vacatur. Given its position in the natural gas industry, EQT can speak to the immensely disruptive consequences of the panel’s order vacating the approval of the construction, siting, and operation of the project, which would enable the provision of clean energy to U.S. allies around the world, consistent with the Natural Gas Act “public interest” determination the Department of Energy made and EQT relied upon in contracting with Texas LNG.

For the foregoing reasons, EQT respectfully requests that the Court grant an invitation to file the accompanying brief as *amicus curiae*.

Respectfully submitted,

/s/ Z.W. Julius Chen

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October 28, 2024

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g)(1), the undersigned hereby certifies:

1. The foregoing motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this brief contains 361 words, excluding the exempted portions, as provided in Fed. R. App. P. 32(f). As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.
2. This foregoing motion complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5)-(6) because it was prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

/s/ *Z.W. Julius Chen*

Z.W. Julius Chen

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Z.W. Julius Chen
Z.W. Julius Chen